

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 21 AM 11:05

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 2209 *Ed*

DEPUTY

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HERNANDEZ, Jacqueline)
)
Defendant.)
_____)

Mag. Case No.:

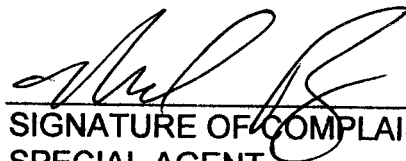
COMPLAINT FOR VIOLATION OF

Title 21, U.S.C.,
Sections 952 and 960(a) -
Importation of a Controlled
Substance and Possession of a Controlled
Substance

The undersigned complaint being duly sworn states:

On or about July 20, 2008, within the Southern District of California, defendant, Jacqueline HERNANDEZ, did knowingly and intentionally import approximately 190.44 pounds (86.38 kilograms) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960(a).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
SPECIAL AGENT
U.S. IMMIGRATION & CUSTOMS
ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF
JULY, 2008.


MAGISTRATE JUDGE

STATEMENT OF FACTS

On July 20, 2008, at approximately 1:57 p.m., Jackie HERNANDEZ entered the United States at the Otay Mesa Port of Entry, San Diego, CA. HERNANDEZ was the driver and sole occupant in a 2000 Ford Excursion bearing CA/US license plate 5RSC958. Customs and Border Protection Officer C. Vargas while assigned to vehicle primary lane 11 obtained a negative declaration and asked HERNANDEZ where she was going in and who was the owner of the vehicle. HERNANDEZ she replied she was going to Los Angeles and the vehicle belonged to her boyfriend. CPBO Vargas noticed the vehicle was very clean and the glove box was empty and referred the vehicle and driver to vehicle secondary for further inspection.


Customs Border Protection/Canine Enforcement Officer (CBPO/CEO) E. Moore while in vehicle secondary screened the Ford Excursion. CBP K-9 "ROJO" (CE84) alerted and indicated to a narcotic odor emanating from the gas tank area of a white 2000 Ford Excursion, CA/US license plate 5RSC958.

CBPO D. Perez was assigned to inspect and process the white 2000 white Ford Excursion (CA/US 5RSC958) that was driven by Jackie HERNANDEZ. CBPO Perez removed the carpet from the rear cargo area and discovered an access panel to the gas tank. Once CBPO Perez opened the access panel, CBPO Perez discovered packages wrapped with packaging tape and cellophane wrap. CBPO Perez randomly selected and probed a package and discovered a green leafy substance, which field-tested positive for marijuana. CBPO Perez, upon completion of the inspection, removed a total of sixty-eight (68) packages weighing 86.38 kilograms (190.44 pounds) of marijuana from the vehicle. Forty-six (46) packages were removed from the gas tank and twenty-two (22) were removed from the spare tire.

HERNANDEZ was read her Miranda rights in the English language on July 20, 2008 and waived her rights at 4:52 p.m. The following statements were given by HERNANDEZ:

HERNANDEZ claims she was going to drive the vehicle to the Jack in the Box restaurant on San Ysidro Blvd. HERNANDEZ claims she was instructed to park the vehicle place the keys inside the vehicle and leave the vehicle at the Jack in the Box parking lot for at least two hours before she returned for it. HERNANDEZ claimed that she was going to pick up documents and take them to Mexico so that "Memo" could use the documents to cross people illegally to the United States. HERNANDEZ stated that "Memo" a friend who she has known for three months asked her to drive the vehicle to the United States to get the documents to be used to cross people to the United States. HERNANDEZ stated she would be paid \$500.00 USD to pick up the documents. HERNANDEZ stated that the vehicle is not hers and she does not know the owner. HERNANDEZ claimed that "Memo" described as a tall (height 6') skinny male approximately 55 years attempted to recruit her to cross drugs to the United States but she declined his offer. HERNANDEZ stated she

suspected drugs were in the vehicle but stated she would rather cross people into the United States. HERNANDEZ stated that "Memo" receives \$4000.00 USD per person to cross undocumented aliens to the United States. HERNANDEZ stated she was offered by "Memo" \$1200.00 USD to cross drugs to the United States but declined stating she would rather cross people since it is more profitable. HERNANDEZ stated that she would cross drugs to the United States if she would have been offered \$4000.00 USD to cross them. HERNANDEZ stated that she has crossed to the United States in Ford Excursion before. HERNANDEZ stated that "Memo" asked her to register vehicles in her name for the purpose of her smuggling drugs into the United States. HERNANDEZ stated "Memo" drives a red four door sedan with a Tijuana plates. The interview ended at 5:30 pm on July 20, 2008.


Manuel Ramirez
Special Agent
Immigration and Customs
Enforcement